

Willig, Robert A.

From: [REDACTED]
Sent: Monday, November 18, 2024 3:54 PM
To: ACRE Shared Mailbox
Cc: [REDACTED]
Subject: Re: [EXTERNAL] [REDACTED] ACRE Request for Review

Dear Sir,

Thank you for your reply and questions.

You are correct that the [REDACTED] lot is the source of the problem and where the cows are kept.

Both lots are 3-acres and we live on our property. We do not farm the land. We have a small vegetable garden.

When my [REDACTED] parents' land was a working vegetable farm, known as a truck farm, before 1982 or so, the fields which produced the vegetables were distant from these homestead plots. There was never any livestock kept on the farm and there has been no application of manure as a fertilizer for farming practices. Our well has always been excellently maintained.

What we know about the cows is based on our observation. The cows appear to be pets. The cows are not dairy cows and do not provide milk. They do not seem to be a source of meat either. To the best of our knowledge the [REDACTED] have not butchered or sold any cows for meat.

The same two cows have been living confined to the pen for approximately two years. They are not pastured. The cows do not appear to be in vigorous good health.

We are happy to answer any other questions that you may have to the best of our ability. We are very grateful for your interest in our circumstances. Thank you very much.

Sincerely

[REDACTED]

Willig, Robert A.

From: [REDACTED]
Sent: Sunday, November 17, 2024 8:54 PM
To: ACRE Shared Mailbox
Cc: [REDACTED]
Subject: [EXTERNAL] [REDACTED] ACRE Request for Review
Attachments: ACRE Request [REDACTED] Washington County.pdf; [REDACTED] oogle Earth Photo AG.pdf; [REDACTED] Zoning Chart to AG.pdf; Mt Pleasant Twp Zoning Officer response.pdf; August 2022 PSExt water report Roth (1).pdf; [REDACTED] water testing results 2014.pdf; Roth Zoning Ordinance Provisions.pdf; [REDACTED] Zoning Provisions to AG.docx

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Good Morning,

Please find attached our letter requesting review of the zoning ordinance of Mt. Pleasant Township, Washington County. <https://ecode360.com/MO2183>


We are neither the "farmer" nor local government but an adjacent property owner who has suffered great harm from E.coli contamination of our well. The farm in question is not a farm but a 1/2 acre pen for cows within a 3-acre lot, 57' from our well and 86' from our home. The township will not enforce the ordinances which should be protecting us.

It is our hope that you will please look at our information and help us. Please don't hesitate to call if you have any questions or require any additional information. [REDACTED]

Thank you most kindly,

[REDACTED]

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November 14, 2024

Robert A. Willig
Senior Deputy Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

Re: ACRE Review Request
Mt. Pleasant Township – Washington County

Dear Attorney Willig,

We are requesting assistance from your office to review the Zoning Ordinance and Zoning Officer's enforcement letter which permits the housing of cows 57' from our well and 86' from our bedroom window. (Letter attached) The Township Board of Supervisors and Solicitor have deflected our concerns and evidence. We have a water analysis showing our water in 2014 to be perfect. A subsequent water analysis performed in 2022 after water from the kitchen faucet smelled of manure, shows our well contaminated with E.coli bacteria beyond the maximum testable limit. The neighbors introduction of cows in the backyard pen is the only reasonable cause for this contamination. (Analyses attached)

The Township's failure to enforce the zoning ordinance poses a significant threat to our health and well-being. <https://ecode360.com/11531524#11531524> and attachment.

We believe a fair reading of the Zoning Ordinance compels the Township to act to remedy the harm we are suffering. The following two provisions support our conclusion. In our local ordinance, the "interpretation and application of the provisions of this chapter shall be considered [the] minimum requirements adopted for the promotion of the health, safety, and general welfare of the public." §200-104. The Zoning Officer may "revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this chapter." §200-1201B (9).

We live on a 3-acre parcel of land in Mt. Pleasant Township, Washington County. The neighboring 3-acre parcel is owned by  This land is zoned B-1 Highway

Commercial, and agriculture is a permitted use provided the lot area is 10 acres. §200 Attachment 4, Area and Bulk Regulations – Nonresidential Principal Uses.

We were given this property, which was part of my parents' 130 crop growing acres, when we married, and have lived on this property for 55 years. Our water is from a private well. My sister and her husband were given the adjoining 3-acre property. This is now the [REDACTED] property. This land was used for vegetable farming until the mid 1980s when it was designated for the USDA's Soil Conservation program. (Google Earth photo attached)

This adjoining property has been sold twice. In 2009 my sister sold the property to a couple who kept 2-3 llamas. They created a ½ acre pen within the 3 acres to keep the llamas. As their marriage fell apart, the llamas were sold back to the farm that raised them. We have evidence of a 2-year abandonment of this non-conforming use.

In 2015 the present owners bought the property where they have kept 2-6 cows in a ½ acre pen in the backyard. They had no manure management plan until recently, when we discovered the contamination of our well and contacted the DEP at the Washington County Conservation District.

It might interest you to know that a cow produces manure at a rate of 100 lbs per day on average, whereas a llama produces manure at a rate of 4 lbs. per day. Llama waste has no odor and looks similar to roasted coffee beans, whereas cow patties are very odorous and soft. The feeding trough, which is often the location where the cows defecate, is right on the property line 57' from our well and 86' from our home.

It is easy to imagine the scope of the severe water quality problem this has created. The Township has the authority to remedy this problem by relying on 2 sections of the Municipal Code pertaining to both agriculture, §200 Zoning and water quality, §162 Sewage.

1. The Township is responsible for perpetuating harm by failing to enforce several provisions of the Zoning Ordinance, §200, (Attached and cited above).

The Zoning Ordinance makes many references to safeguarding public health and safety. §200-105 A.; §200-503 A.; §52-14 D.

In one such safeguard, the Zoning Ordinance decrees public health and safety would be endangered by keeping manure closer than 200' from any property line. §200-709 A. The cows in question live in a ½ acre pen in the backyard of a home on a 3-acre parcel. A 3-acre parcel is 150' x 300', and the parcel in question is bordered by two other 3-acre parcels, one of which is ours. Given the physical constraints, it is impossible for manure to be 200' from a property line.

Additionally, the Right to Farm Act, P.L. 454, No.133(1962) enacted for the protection of agricultural operations from nuisance suits and ordinances does not apply in this case. The

property in question is 3 acres and is not income producing. §955 of the Act states this law does not protect against a right to bring an action for water damages.

We hope the Attorney General's Office can help us. The Township Solicitor has tried to frighten us from pursuing a remedy. With an unresponsive Township, we filed a complaint in equity against the neighbors asking for removal of the cows to safeguard our health. We found evidence of the E.coli contamination was not enough; we were required to prove the E.coli was of a strain belonging to those cows. It was an extremely odd and difficult scientific burden of proof from an expert, and the case failed for lack of an expert.

2. Under the General Provisions of the Municipal Code, §162, the definition of sewage incorporates animal excrement by definition. This is a water quality issue that amounts to the Township sanctioning the invasion of our property by raw, untreated sewage.

As defined in Part II §162-7

Improved Property - Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

Sewage - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and by noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation. §162-7.

The harm we have suffered, which is our water source becoming contaminated by dangerous E.coli bacteria because our neighbors are permitted to negligently and recklessly house their livestock, is hard to accept. Is there no protection for Pennsylvania citizens forced to fight their Township and neighbors to do something about the untreated sewage and animal excrement that is being knowingly and unrestrainedly leached into their well 57' away?

Despite the law "Manure may not be allowed to accumulate in places where it may contaminate a source of drinking water or where it may contribute to the breeding of vectors." 25 Pa. Code §234.10, regulatory assistance does not exist. The quality and safety of drinking water from private domestic wells are *not* regulated by the Federal Government under the Safe Drinking Water Act nor by most state governments and laws. There is no regulatory authority to turn to in Pennsylvania.

We are 80 years old and the E.coli contaminated well water has contributed to negative health outcomes. We hope the Attorney General's Office can assist us in providing Mt. Pleasant Township with the directive that the Municipal Code, and Zoning in particular, which is meant to curtail the threats to the health, safety, and welfare of the residents, should be enforced

